

# PLANNING COMMISSION MINUTES

January 23, 2002

## CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:01 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Gary Bliss, Eric Johansen, Dan Maks, Bill Young and Shannon Pogue; and Alternate Planning Commissioner Steven Olson. Planning Commissioner Bob Barnard was excused.

Development Services Manager Steven Sparks, AICP, Planning Consultant Irish Bunnell and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

## VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Development Services Manager Steven Sparks reminded everyone that due to lack of agenda items, the regularly scheduled meeting of January 30, 2002, has been cancelled, adding that the meetings scheduled for February 6, 2002, and February 13, 2002, are likely to be cancelled for the same reason.

## OLD BUSINESS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1                   **CONTINUANCES:**

2

3                   **A. TA 2001-0001 – CHAPTER 40 UPDATE TEXT AMENDMENT**

4                   (Continued from December 19, 2001)

5                   The City of Beaverton has proposed a comprehensive update of Chapter 40  
6                   (Permits and Applications) of the Beaverton Development Code. The proposed  
7                   amendments will establish the development applications to be required in the  
8                   City, the threshold(s) for determining the proper type of application to be  
9                   required, and the approval criteria by which the application(s) will be evaluated.  
10                  The existing Development Code contains many of the same applications,  
11                  thresholds, and approval criteria. The proposed amendment will modify the  
12                  existing applications, thresholds, and approval criteria and add new applications,  
13                  thresholds, and approval criteria.  
14

15                  **B. TA 2001-0002 – CHAPTER 50 UPDATE TEXT AMENDMENT**

16                  (Continued from December 19, 2001)

17                  The City of Beaverton has proposed a comprehensive update of Chapter 50  
18                  (Procedures) of the Beaverton Development Code. The proposed amendments  
19                  will establish the procedures by which development applications will be  
20                  processed in the City. The procedures include, but are not limited to, initiation of  
21                  an application, withdrawal of an application, application completeness, Type 1  
22                  through Type 4 application processes, and appeal(s), expiration, extension, and  
23                  modification of decisions. The proposed amendment will modify existing  
24                  procedures found in the Development Code and establish new procedures to be  
25                  made a part of the Code.  
26

27                  **C. TA 2001-0003 – CHAPTER 10 UPDATE TEXT AMENDMENT**

28                  (Continued from December 19, 2001)

29                  The City of Beaverton has proposed a comprehensive update of Chapter 10  
30                  (General Provisions) of the Beaverton Development Code. The proposed  
31                  amendments will establish the legal framework of the Development Code. Topics  
32                  include, but are not limited to, compliance, interpretation, zoning districts, zoning  
33                  map, fees, conditions of approval, enforcement, and development review  
34                  participants. Development review participants include the City Council, Planning  
35                  Commission, Board of Design Review, Facilities Review Committee, and the  
36                  Community Development Director.  
37

38                  **D. TA 2001-0004 – CHAPTER 60 UPDATE TEXT AMENDMENT**

39                  (Continued from December 19, 2001)

40                  The City of Beaverton has proposed amendments to Chapter 60 (Special  
41                  Requirements) of the Beaverton Development Code. The proposed amendments  
42                  have been necessitated by the comprehensive updates to Chapter 40 and Chapter  
43                  50 of the Development Code. The proposed amendments will establish new  
44                  special requirements for Land Division Standards and Planned Unit Development.  
45                  The amendments propose to modify existing Special Use Regulations for  
46                  Accessory Dwelling Unit, Accessory Uses and Structures, as well as existing

1 special requirements for Transportation Facilities and Trees and Vegetation. The  
2 amendments also propose to delete the provisions pertaining to Historic  
3 Preservation and Temporary Use Permits.  
4

5 **E. TA 2001-0005 – CHAPTER 90 UPDATE TEXT AMENDMENT**

6 (Continued from December 19, 2001)

7 The City of Beaverton has proposed amendments to Chapter 90 (Definitions) of  
8 the Beaverton Development Code. The proposed amendments have been  
9 necessitated by the comprehensive updates to Chapter 40 and Chapter 50 of the  
10 Development Code. The proposed amendments will add definitions of new terms  
11 and amend existing definitions of terms use in the Development Code.  
12

13 **F. TA 2001-0007 – BEAVERTON MUNICIPAL CODE TEXT AMENDMENT**

14 (Continued from December 19, 2001)

15 The City of Beaverton has proposed amendments to the Beaverton Municipal  
16 Code. The proposed amendments have been necessitated by the comprehensive  
17 updates to Chapter 40 and Chapter 50 of the Development Code. The proposed  
18 amendments will ensure that there is consistency between the provisions of the  
19 Municipal Code and the Development Code.  
20

21 **G. TA 2001-0008 – CHAPTER 20 UPDATE TEXT AMENDMENT**

22 (Continued from December 19, 2001)

23 The City of Beaverton has proposed amendments to Chapter 20 (Land Uses) of  
24 Code. The proposed amendments have been necessitated by the comprehensive  
25 updates to Chapter 40 and Chapter 50 of the Development Code. The proposed  
26 amendments will also reorganize the Multiple Use zoning (Section 20.20) to make  
27 the Multiple Use zoning text read more clearly.  
28

29 Observing that the public portion of the Public Hearing had been closed on  
30 December 19, 2001, Chairman Voytilla stated that deliberations would continue at  
31 this time, based upon information that had been requested from staff.  
32

33 Mr. Sparks explained that Staff Reports had been prepared and distributed for  
34 Chapter 50 and Chapter 10, adding that staff had attempted to revise these in  
35 accordance with what had been discussed at the previous meeting on December  
36 19, 2001. Observing that the most important revisions are addressed within  
37 Chapter 40 – Conditional Uses, he mentioned that page 3 of the Staff Report for  
38 TA-2001-0001 (Chapter 40) outlines the issues concerning portable classrooms.  
39 He clarified that as stated within the Staff Report, portable classrooms are  
40 addressed differently within the existing code, noting that the proposed code  
41 provides that location of a portable classroom on any private or public school site  
42 requires a Conditional Use Permit (CUP), including the entire Public Hearing  
43 procedure. Noting that three alternatives have been included within the Staff  
44 Report for discussion at this time, he emphasized that staff would like to receive  
45 direction with regard to which alternative staff should pursue.  
46

1 Observing that numerous meetings have been held regarding this Development  
2 Code Update project, Mr. Sparks advised the Planning Commissioners that Mayor  
3 Drake has requested that a second Public Hearing be conducted on February 20,  
4 2002. He explained that this request had been made in order to allow for further  
5 presentations and testimony with regard to only Chapter 50 and Chapter 10, with  
6 the addition of Chapter 90 for further definitions that might result from the  
7 February 20, 2002 Public Hearing. He mentioned that appropriate public  
8 notification had been provided to individuals who have participated either orally  
9 or with written testimony in this project, as well as the appropriate committees  
10 who have expressed interest in this Code Update, specifically the Committee for  
11 Citizen Involvement (CCI) and the Development Liaison Committee. He further  
12 explained that the notice states that the Public Hearing would address Chapter 10,  
13 Chapter 50 and Chapter 90, specifically the procedures to be utilized in the  
14 implementation of the Development Code. Observing that Chapter 50 discussion  
15 would involve the opportunity to discuss an appeal on the record, as well as other  
16 issues within that section of the Development Code, he noted that Chapter 10  
17 discussion would provide the City Attorney with an opportunity to approach the  
18 Planning Commission with a presentation with regard to expanding the role of the  
19 Hearings Officer. He explained that the current Development Code provides for a  
20 Hearings Officer, adding that the role of this individual is limited to the review of  
21 expedited land division applications. He noted that Chapter 90 – Definitions has  
22 been kept open for potential additions to this definitions section that may result  
23 from this additional Public Hearing.

24  
25 Mr. Sparks stated that following tonight's discussion and deliberation, staff would  
26 like to continue all 7 of these applications to the February 20, 2002 Public  
27 Hearing, adding that it is possible that the Planning Commissioners would reach  
28 consensus and be able to conclude on the remaining applications.

29  
30 Observing that he would like to begin with issues regarding portable classrooms,  
31 Chairman Voytilla pointed out that the last sentence of the first option indicates  
32 that the Design Review approval would remain as the sole development review  
33 application. He requested clarification of whether concerns would be satisfied  
34 through the review procedure of Engineering and the Fire Marshall.

35  
36 Mr. Sparks informed Chairman Voytilla that this would involve Planning Review,  
37 rather than Building Permit Review and other site permit, emphasizing that staff's  
38 intent includes all phases of development.

39  
40 Chairman Voytilla questioned whether staff's concerns would be alleviated with  
41 other reviews that would have to occur.

42  
43 Referring to the third paragraph, Mr. Sparks advised Chairman Voytilla that he  
44 would like to indicate that Design Review would be the only Planning Review  
45 required, adding that this would not exempt other requirements.

1 Chairman Voytilla expressed concern with making certain that a thorough review  
2 is conducted for each application.

3

4 Mr. Sparks assured Chairman Voytilla that as part of the Facilities Review  
5 process, the Building Department, Engineering Department and Fire Marshall  
6 have the ability to participate in the siting and other issues to address the approval  
7 criteria in either a Type 2 or Type 3 Design Review application. He pointed out  
8 that in order to be consistent in terms of continuing the existing procedures, staff's  
9 recommendation would be the third option, which provides for an administrative  
10 CUP and Design Review.

11

12 Planning Consultant Irish Bunnell emphasized that it is necessary to determine  
13 whether a portable classroom should be subject to a certain type of use review,  
14 whether this involves a part of a conditional use and whether it intensifies an  
15 established conditional use, emphasizing that this is the crux of the issue. He  
16 further clarified that once this is determined, it is possible to determine how to  
17 proceed with permits.

18

19 Commissioner Maks stated that he is inclined to agree with the third option  
20 proposed by staff, expressing his opinion that because this most likely involves a  
21 Type 2 application and an intensification of the use, it should be addressed  
22 administratively. He pointed out that from an educational perspective, he is  
23 reluctant to deny a portable classroom, emphasizing that this could necessitate  
24 additional busing of students, as well as incurring additional costs to the school  
25 district and the wrath of parents. Observing that the Beaverton School District  
26 has historically bussed students to other locations, he noted that this has occurred  
27 due the lack of ability to place more portable classrooms on a site due to fire  
28 restrictions. He agreed with Mr. Bunnell's statement that intensification of use is  
29 the crux of the matter, noting that this also involves increased population and  
30 vehicular trips and should involve a Type 2 CUP.

31

32 Mr. Sparks interjected that although it is not stated within the Staff Report, in  
33 addition to the administrative CUP application, Option 3 would also include a  
34 Type 2 Design Review, adding that these applications would be processed  
35 concurrently. He pointed out that the Design Review Type 3\2 application would  
36 add a threshold for portable classrooms.

37

38 Expressing his agreement with Commissioner Maks' statements, Chairman  
39 Voytilla mentioned that frequently student projections do not include students that  
40 are not registered at the last minute, emphasizing that this cannot be accurately  
41 determined ahead of time. He mentioned that both temporary classrooms and  
42 bussing creates problems, adding that it would be beneficial to shorten the  
43 approval period.

44

45 Commissioner Maks observed that Sunset High School has been utilizing portable  
46 classrooms for 30 years, adding that while these structures create an intensified

1 use, potential changes could create a situation in which certain portable  
2 classrooms are no longer feasible.

3

4 Commissioner Johansen noted that any long-term portable classroom should be  
5 required to go through the entire application process.

6

7 Commissioner Maks expressed his opinion that even a long-term portable  
8 classroom could be handled at the administrative level.

9

10 Chairman Voytilla emphasized that the school district's funding is very limited,  
11 adding that there is no financial ability to turn these portable classrooms into hard  
12 classrooms, which are tied to bond measures.

13

14 Commissioner Maks pointed out that these portable classrooms should at least be  
15 reviewed on a 2-year basis.

16

17 Chairman Voytilla agreed, and questioned whether staff has adequate direction on  
18 this issue.

19

20 Mr. Sparks explained that staff would prepare Option No. 3, adding another  
21 administrative application to Chapter 40, specific to portable classrooms only. He  
22 pointed out that the materials submitted at this time for conditional use would be  
23 revised again on February 20, 2002, adding a threshold to Type 2 Design Review  
24 to include portable classrooms.

25

26 Chairman Voytilla mentioned that the next item for discussion is conditional use.

27

28 Mr. Sparks emphasized that staff would be explicit in the Type 2 Design Review  
29 in listing portable classrooms as a Type 2 Design Review application.

30

31 Observing that several other jurisdictions provide for conditional uses that require  
32 periodic review, Chairman Voytilla questioned whether staff had considered this  
33 concept.

34

35 Commissioner Maks referred to the issue of non-compliance with Conditions of  
36 Approval on a previous development, noting that periodic review might address  
37 this type of an issue.

38

39 Mr. Sparks stated that the issue regarding failure to fulfill previous Conditions of  
40 Approval would be addressed in Chapter 10. He pointed out that this particular  
41 Development Code Update effort does not specifically address establishing a  
42 conditional use criteria requiring periodic review of certain uses, adding that staff  
43 had determined that this should be addressed in Chapter 20, which identifies uses  
44 that are permitted, conditionally permitted or prohibited. He mentioned that  
45 certain conditional uses could require periodic review, noting that historically,

1 conditions have not been established providing for continuance or abatement of a  
2 use. He expressed his concern that such a monitoring system is not in place.

3

4 Chairman Voytilla questioned whether staff has determined whether enforcement  
5 of such a periodic review would actually benefit the community.

6

7 Mr. Sparks expressed his opinion that the City of Beaverton had the ability to  
8 establish conditions on a use, noting that a periodic review would need to be  
9 related to the actual approval criteria. He pointed out that while a certain use that  
10 does not generate sufficient vehicular trips to create excessive traffic problems  
11 could be approved, additional uses that might be approved later could effectively  
12 break down the system.

13

14 Commissioner Maks expressed his opinion that this is less of an issue with regard  
15 to level of service as compared to what had originally been anticipated by this  
16 conditional use.

17

18 Chairman Voytilla referred to a recent conditional use with regard to extended  
19 hours of a restaurant, observing that clean up, trash disposal, noise and other  
20 issues that might result from these extended hours had created concern with  
21 livability standards.

22

23 Commissioner Maks expressed his opinion that as density is increased and more  
24 infill projects are completed, it will be necessary to consider additional Conditions  
25 of Approval in order to address these livability standards.

26

27 Commissioner Johansen stated that it would have to be very clear that only the  
28 Conditions of Approval are subject to the Type 2 process, emphasizing that  
29 individuals who had objections to the original decision would view this as an  
30 opportunity to reopen the entire issue.

31

32 Commissioner Maks pointed out that it is possible for an applicant to submit  
33 incorrect data with regard to vehicular trip generation, adding that this might not  
34 become apparent for several years.

35

36 Mr. Sparks stated that he is not certain how to address this issue, emphasizing that  
37 staff has very limited resources with regard to what they are able to accomplish  
38 and that it is not economically feasible to retain staff to go out and count cars.

39

40 Expressing his opinion that the Type 2 process would address this issue,  
41 Commissioner Maks pointed out that the affected neighborhood would count cars  
42 or retain their own traffic engineer to compile and present evidence to the  
43 Planning Commission. He emphasized that a Type 2 decision could not be made  
44 without appropriate evidence.

45

1 Mr. Sparks stated that in his experience in dealing with these Type 2 applications,  
2 this is not what actually occurs, observing that when the neighbors come in to  
3 complain about the traffic, staff informs them that they do not have the necessary  
4 evidence to substantiate what they are saying. He requested clarification of  
5 whether use, conditions or both are being reviewed at this time.

6  
7 Commissioner Maks explained that the application, which is the use, is being  
8 reviewed, along with the conditions.

9  
10 Mr. Bunnell requested clarification of whether Commissioner Maks intends to  
11 reopen the question of whether a certain use should be allowed.

12  
13 Commissioner Maks stated that he does not intend to review whether a certain use  
14 should be permitted, adding that he is concerned with whether an applicant is  
15 actually fulfilling what had been originally intended.

16  
17 Mr. Bunnell questioned why this type of a review should be limited to only  
18 conditional uses, and specifically why this review should not be expanded to all  
19 approvals.

20  
21 Commissioner Maks pointed out that the other approvals are all allowed outright,  
22 emphasizing that conditional uses are special.

23  
24 Mr. Bunnell questioned whether this periodic review should occur for the entire  
25 life of a conditional use.

26  
27 Commissioner Maks commented that other jurisdictions have a procedure for  
28 addressing such a periodic review, adding that this would possibly involve the  
29 application, rather than the use. He pointed out that while no such process has  
30 been established in the City of Beaverton, it should not be onerous on the  
31 developer.

32  
33 Chairman Voytilla suggested that this procedure should provide for notification to  
34 adjacent property owners.

35  
36 Commissioner Maks observed that this might also address the issue with regard to  
37 failure to fulfill prior Conditions of Approval that concerns the City Attorney.

38  
39 Chairman Voytilla pointed out that this could also address change of ownership or  
40 a change of program.

41  
42 Mr. Bunnell suggested that staff should review how this issue is addressed by  
43 other jurisdictions, adding that this should be discussed after this information has  
44 been received and reviewed.

45

1 Commissioner Maks referred to page AP-16, No. 2, and questioned why this has  
2 been revised from 1,000 to 5,000 gross square feet and from a Type 2 to a Type 1.

3  
4 Referring to the previous hearing, Mr. Sparks noted that there had been a  
5 discussion involving changes or modifications to a conditional use away from  
6 residential areas, adding that it had been determined that these should be handled  
7 administratively, without changing the thresholds for those projects that are  
8 located away from residential areas.

9  
10 Commissioner Maks mentioned that the gross square feet had been revised from  
11 1,000 to 5,000.

12  
13 Mr. Sparks clarified that the 1,000 square feet was within a residential area or  
14 within 50 feet of a residential area, observing that the 5,000 square feet would be  
15 outside of and more than 50 feet from a residential area.

16  
17 Mr. Bunnell referred to page AP-18, No. 1, observing that this basically provides  
18 that any increase in square footage within a residential zone or within 50 feet of a  
19 residential zone receives that moderate application, emphasizing that this is not  
20 minor and that the threshold is actually tighter for this review than during the  
21 original review.

22  
23 Observing that he does not approve of the 5,000 square feet with a minor on a  
24 Type 1 application, Commissioner Maks stated that he might accept the 5,000  
25 square feet with a minor on a Type 2 application or a Type 1 application with the  
26 1,000 square feet. He pointed out that while he is not concerned with moving a  
27 door or a hallway, he is concerned with the addition of square footage that  
28 overlooks a neighborhood, adding that this should involve a Type 2 application.

29  
30 Mr. Bunnell commented that depending upon whether the use is within or near a  
31 residential zone, the 5,000 square feet should possibly be 1,000 square feet.

32  
33 Commissioner Maks stated that he would accept 1,000 square feet with a Type 1  
34 application.

35  
36 Mr. Bunnell noted that 1,000 square feet would be permitted 50 feet from any  
37 residential zone under a Type 1 review.

38  
39 Commissioner Maks emphasized that relocating doorways or hallways should be  
40 addressed by under 1,000 square feet.

41  
42 Chairman Voytilla clarified that his intention had been for minor modifications to  
43 the building and all that is involved as it goes through the design document into  
44 the construction document.

45

1 Mr. Bunnell noted that this notion has been addressed by indicating that a  
2 conditional use review is not necessary for this application that would just go  
3 straight to design review, unless an application hits the threshold of up to 5,000  
4 square feet within a residential zone or 5,000 outside a residential zone. He  
5 reiterated that unless this threshold is met, a review is not necessary.

6  
7 Chairman Voytilla emphasized that the intention is not to increase retail square  
8 footage.

9  
10 Commissioner Maks requested an example that would trigger the minor  
11 application described on page AP-16.

12  
13 In response to Commissioner Maks' request for an example that would trigger the  
14 minor application mentioned on page AP-16, Mr. Sparks described a church  
15 located in a commercial zoning district outside of a residential zoning district, at a  
16 distance of greater than 50 feet from the residential zoning district, noting that this  
17 application adds 3,000 square feet, which would trigger the maximum of 10%.  
18 Noting that this would involve a Type 1 CUP, he pointed out that the addition of 1  
19 or more additional square feet in or within 50 feet of a residential zone involves a  
20 Type 3 application. He emphasized that a minor application has always involved  
21 5,000 square feet.

22  
23 Commissioner Maks admitted that he had not been aware that such an application  
24 in an Office Commercial zone could have involved 5,000 square feet before,  
25 expressing his opinion that 5,000 square feet for a Type 1 application is too much.

26  
27 Chairman Voytilla pointed out that 5,000 square feet is beyond the intent of the  
28 Planning Commission, adding that a Type 1 application should be limited to 1,000  
29 square feet.

30  
31 Observing that he has no problem with 1,000 square feet for a Type 1 application,  
32 Commissioner Bliss requested clarification of where the 5,000 square feet or  
33 10% originated.

34  
35 Commissioner Maks commented that this would create a mega church.

36  
37 Commissioner Bliss noted that he is in the process of constructing a 2-story mega  
38 church, emphasizing that it does not involve, 45,000 square feet of area.

39  
40 Mr. Sparks pointed out that a revision would be made to page AP-16, to correct  
41 the 5,000 square feet to 1,000 square feet, adding that the other correction would  
42 be made to page AP-18, Threshold No. 2, noting that in excess of 5,000 square  
43 feet would be revised to in excess of 1,000 square feet.

44  
45 Referring to page AP-24, Commissioner Maks requested clarification of why this  
46 section is being deleted.

1 Mr. Sparks advised Commissioner Maks that this section on page AP-24 is being  
2 deleted due to the relocation of this section into Chapter 50.

3  
4 Commissioner Maks commented that he recalled this issue being addressed  
5 during Code Review.

6  
7 Receiving no further comments with regard to Chapter 40, Chairman Voytilla  
8 stated that the review of Chapter 40 is complete.

9  
10 Receiving no comments with regard to Chapter 50, Chairman Voytilla  
11 commented that the review of Chapter 50 is also complete.

12  
13 Chairman Voytilla requested comments with regard to Chapter 10.

14  
15 Commissioner Maks referred to page GP-2, No. 5, requesting clarification that  
16 this does not circumvent the areas on development applications that require that  
17 the elements of the Comprehensive Plan be met.

18  
19 Mr. Sparks pointed out that the application criteria require that the  
20 Comprehensive Plan policies be met, emphasizing that this specifically indicates  
21 that these policies apply.

22  
23 Commissioner Johansen questioned whether the text of the Comprehensive Plan  
24 is not part of the policies.

25  
26 Mr. Sparks informed Commissioner Johansen that the policies are being  
27 implemented by the Development Code.

28  
29 Commissioner Maks emphasized that this must be part of the approval criteria.

30  
31 Mr. Sparks clarified that the Development Code implements the Comprehensive  
32 Plan policies, not objectives, noting that while the objectives are broad, the  
33 policies are supportive.

34  
35 Commissioner Johansen pointed out that the text of the Comprehensive Plan  
36 states that the role of a conditional use is to support primary uses, noting that this  
37 might not actually be included among the policies.

38  
39 Mr. Sparks observed that only specific policies are considered as applicable  
40 criterion for a decision.

41  
42 Mr. Bunnell pointed out that the requirement to address the policies focuses the  
43 discussion.

44  
45 Commissioner Maks emphasized that the key is to make certain that the  
46 Comprehensive Plan policies are addressed.

1 Mr. Bunnell agreed that it is necessary that the policies are clear and  
2 understandable.

3

4 Mr. Sparks pointed out that most of the Comprehensive Plan policies that have  
5 been utilized for approximately 20 years have not been carried forward and  
6 implemented into the new Land Use Element. He encouraged the Planning  
7 Commissioners to begin reviewing the recently distributed Land Use Element  
8 with the understanding that many of the policies that had been present in the past  
9 are no longer there.

10

11 At the request of Commissioner Young, Chairman Voytilla agreed to revisit  
12 Chapter 40 to allow him to ask a particular question that he had forgotten earlier.

13

14 Commissioner Johansen questioned the status of the issue involving a failure to  
15 comply with previous Condition of Approval.

16

17 Mr. Sparks clarified that this issue would address only a specific parcel, rather  
18 than a development that had occurred within another section of town.

19

20 Commissioner Johansen requested an example of a situation in which this might  
21 become an issue.

22

23 Mr. Sparks referred to earlier discussions this evening with regard to failure to  
24 meet a condition, noting that this would most likely involve Design Review  
25 applications. He pointed out that typically an individual who submits an  
26 application for a CUP doesn't tend to return with a separate CUP request.

27

28 Commissioner Maks observed that while this is not exactly what he wants, it does  
29 provide an enforceable compromise, adding that he is still interested in the  
30 possibility of periodic review.

31

32 Mr. Sparks cautioned Planning Commissioners to retain their old Comprehensive  
33 Plans, observing that there are several unresolved projects that are vested under  
34 that plan. He noted that for a certain period of time, there would be issues  
35 involving the old Comprehensive Plan as opposed to the new Comprehensive  
36 Plan. On question, he informed Chairman Voytilla that the new Planning  
37 Commissioners had received copies of the both the old and new Comprehensive  
38 Plans.

39

40 Commissioner Bliss referred to Mr. Sparks' comment that the City Attorney  
41 would be addressing Chapter 10 with regard to revocation due to failure to fulfill  
42 prior Conditions of Approval specifically as it applies to one project against  
43 another project.

44

45 Referring to page 14, Mr. Sparks advised Commissioner Bliss that staff presently  
46 has the ability to revoke a permit due to failure to fulfill Conditions of Approval

1 within the same project. He explained that the text highlighted on No. 7  
2 originated in the City Attorney's office, observing that because the City Attorney  
3 has expressed concern with this text, the text has been struck. He clarified that  
4 within the struck text, there are specifically two determinations that the Planning  
5 Commission needs to make in denying an application, adding that there is neither  
6 any criteria nor notification for this determination, emphasizing that there is  
7 essentially no procedure for such a determination. He pointed out that because  
8 many developments involve numerous developers, it is not feasible to enforce this  
9 restriction on subsequent developments. He mentioned that he could have either  
10 Mr. Pilliod or Mr. Naemura prepared to comment further on this issue at the next  
11 Public Hearing on February 20, 2002.

12  
13 Receiving no further comments with regard to Chapter 10, Chairman Voytilla  
14 stated that the review of Chapter 10 is complete, adding that he would like to  
15 address Commissioner Young's question regarding Chapter 40.

16  
17 Commissioner Maks referred to the e-mail, dated February 23, 2002, that had  
18 been received from Mr. Franklin, requesting clarification that any individual who  
19 had testified at an initial Public Hearing would be allowed to participate in an  
20 appeal.

21  
22 Mr. Sparks assured Commissioner Maks that any individual testifying at an initial  
23 Public Hearing on an application would be allowed to testify in a subsequent  
24 appeal.

25  
26 Observing that he is addressing an issue in Chapter 40, Commissioner Young  
27 noted that he is concerned with what he considers the vagueness with regard to  
28 the affected area.

29  
30 Commissioner Maks explained that he would refer to this language as subjective,  
31 observing that the bottom line is that while there are uses that don't have an  
32 impact within 2 blocks, others have an impact far beyond ½ mile. He further  
33 explained that if there is no ability to condition an applicant beyond that ½ mile  
34 radius, you have effectively tied your own hands.

35  
36 Commissioner Young noted that while a boundary might be incorrect and create  
37 some inequities, it is not vague.

38  
39 Commissioner Johansen pointed out that this issue involves existing language.

40  
41 Receiving no comments with regard to Chapter 60, Chairman Voytilla stated that  
42 the review of Chapter 60 is complete.

43  
44 Mr. Sparks mentioned that the only remaining item, Chapter 90, involves an  
45 amendment to the Municipal Code, adding that this issue involves the deletion of  
46 Street Vacations.

1 Observing that the e-mail from Jack Franklin, dated January 23, 2002, is a part of  
2 the record, Mr. Sparks reminded the Planning Commission that staff recommends  
3 that all text amendment items be continued to February 20, 2002.  
4

5 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion  
6 to continue 1) TA 2001-0001 – Chapter 40 Update Text Amendment; 2) TA  
7 2001-0002 – Chapter 50 Update Text Amendment; 3) TA 2001-0003 – Chapter  
8 10 Update Text Amendment; 4) TA 2001-0004 – Chapter 60 Update Text  
9 Amendment; 5) TA 2001-0005 – Chapter 90 Update Text Amendment; 6) TA  
10 2001-0007 – Beaverton Municipal Code Text Amendment; and 7) TA 2001-0008  
11 – Chapter 20 Update Text Amendment to a date certain of February 20, 2002.  
12

13 Observing that many meetings have been held with regard to the text  
14 amendments, Commissioner Johansen emphasized that everyone has had an  
15 opportunity to participate in this process and that those who wanted these items  
16 continued should be appreciative of this further accommodation.  
17

18 Motion **CARRIED**, unanimously.  
19

20 **APPROVAL OF MINUTES:**  
21

22 Minutes of the meeting of January 2, 2002, submitted. Commissioner Young  
23 **MOVED** and Commissioner Maks **SECONDED** a motion that the minutes be  
24 approved as written.  
25

26 Motion **CARRIED**, unanimously, with the exception of Commissioner Johansen,  
27 who abstained from voting on this issue.  
28

29 **MISCELLANEOUS BUSINESS:**  
30

31 The meeting adjourned at 8:18 p.m.